

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

LOWELL MASON VARNEY,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-12779

EDDIE HUNTER, Sheriff,
LOGAN COUNTY SHERIFF'S DEPARTMENT,

Defendants.

ORDER

Pending before the Court is Plaintiff's Complaint, (ECF No. 1), and Application to Proceed without Prepayment of Fees and Costs. (ECF No. 4.) By Standing Order entered on September 25, 2015, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 6.) Magistrate Judge Tinsley filed his PF&R on April 9, 2018, recommending that this Court deny Plaintiff's application and dismiss Plaintiff's Complaint. (ECF No. 7.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not


direct the Court to a specific error in the magistrate's proposed findings and recommendations.”
Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on April 26, 2018. (*See* ECF No. 7.) To date, Plaintiff has failed to submit any objections in response to the PF&R, thus constituting a waiver of de novo review. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 7), **DENIES** Plaintiff's Application, (ECF No. 4), and **DISMISSES** this action from the docket of the Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 30, 2018

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE